

RESOLUTIONS

WHEREAS, The Texas Legislature wishes to acknowledge the great service which The University of Texas is rendering to the people of Texas by making its Faculty and Staff Recreation Program available to Members of this Legislature; now, therefore, be it

RESOLVED by the House of Representatives of the 59th Legislature, the Senate concurring, That by this Resolution the Texas Legislature affirms its belief in the merits of emphasis upon physical fitness and expresses appreciation for itself and on behalf of the people of Texas for the service made available by the University's Department of Intramural Sports for Men in providing Guest Memberships for Members of the Texas Legislature; and, be it further

RESOLVED, That the "tongue in cheek" character of this Resolution is directed toward Legislators only, and there is genuine gratitude for the assistance and services of the staff of the Department of Intramural Sports for Men, including: A. A. "Sonny" Rooker, Director; Stan Burnham and Frank Medina, Fitness and Conditioning; and Carl Pavick, Massage and Steam Room; and, be it further

RESOLVED, That copies of this Resolution, denoting the thanks of the Texas Legislature, be prepared for the staff members named and for W. W. Heath, of The University of Texas Board of Regents; for Harry Hunt Ransom, University Chancellor; for Norman Hackerman, Vice-Chancellor; and for Jack Holland, University Personnel Office.

Adopted by the House on May 11, 1965; adopted by the Senate on May 18, 1965.

Approved June 1, 1965.

Filed with the Secretary of State, June 2, 1965.

MEMORIAL—ED J. CARPENTER

H. C. R. No. 131

WHEREAS, The entire membership of the Legislature of the State of Texas was saddened by the untimely death on May 11, 1965, of their fellow Member, Representative Ed J. Carpenter, of Coahoma; and

WHEREAS, Representative Carpenter was born in Mitchell County and spent most of his long and productive life in Coahoma in Howard County, where he was an outstanding businessman, farmer, and rancher; and

WHEREAS, He served as County Judge for eight years and as State Representative from his District for two terms, giving unselfishly of himself to serve his State and his fellow Texans; and

WHEREAS, He will be sorely missed by his family, including his wife, Mrs. Hilda Carpenter; his children, Mr. Eddie J. Carpenter of Lamesa, Mrs. Alfred Cate of Verhalen, Mrs. Jane C. Barr of Vincent, Mrs. Willis R. Winters of Balmorhea, and Mrs. Roger Parker of Dallas; his father, Mr. J. H. Carpenter of Abilene, now 97 years old; his brother, Mr. J. Frank Carpenter of Clyde; his four sisters, Mrs. E. S. Rowe and Mrs. Wayne Carlisle of Littlefield, Mrs. L. E. Floyd of Midland, and Mrs. John Loving of Clyde; and his thirteen grandchildren, all of whom feel a loss that cannot be measured by words; and

WHEREAS, The Legislature of the State of Texas wishes to pay tribute to this fine man and dedicated public official who will be long remembered by Members of the 59th Legislature and by citizens throughout the State; now, therefore, be it

59TH LEGISLATURE—REGULAR SESSION

RESOLVED, That the House of Representatives of the 59th Legislature, the Senate concurring, express its sincere gratitude for the long life and many contributions of Representative Ed J. Carpenter; and, be it further

RESOLVED, That copies of this Resolution be prepared for his family as a token of the regard and respect of the Texas Legislature for Representative Carpenter; and, be it further

RESOLVED, That when the Legislature adjourns this day it do so in memory of this outstanding Texan.

Unanimously adopted by a rising vote of the House on May 11, 1965;
unanimously adopted by a rising vote of the Senate on May 11, 1965.
Approved and filed May 28, 1965.

SUIT AGAINST STATE—H. S. MOSS

H. C. R. No. 132

WHEREAS, H. S. Moss and his successor and assign, The Harry S. Moss Foundation, a charitable, non-profit corporation, claim ownership of a certain tract of land located in Howard County, Texas; and

WHEREAS, Such tract is allegedly bounded on the south by Sulphur Draw, a natural barrier; on the east by a 50-foot drainage easement; on the north by the tracks of the Texas & Pacific Railroad; and on the west by U. S. Highway 80, which is allegedly constructed above the surrounding grade level to provide an overpass for the railroad tracks and Bidwell Lane; and

WHEREAS, It is alleged that, contrary to its covenants and agreements, the State of Texas, acting through the State Highway Department, refuses to furnish for such tract access to a frontage road along U. S. Highway 80, or to build an access road from Bidwell Lane to such tract; and

WHEREAS, It is alleged that claimants' tract is inaccessible by road and has been greatly damaged as a result; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That

(1) H. S. Moss and The Harry S. Moss Foundation are granted permission to sue the State of Texas and the State Highway Department in a court of competent jurisdiction in Howard County, Texas;

(2) if suit is filed, service of citation and other required process shall be made on the Attorney General of Texas and upon the Chairman of the State Highway Commission; and

(3) the suit shall be conducted as in other civil cases; and, be it further

RESOLVED, That

(1) nothing in this Resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the claimants, but the alleged cause of action must be proved under the laws of this State as in other cases;

(2) nothing in this Resolution may be construed as a waiver of any defense, of law or fact, available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions; and

(3) every defense is specifically reserved.

Adopted by the House on May 25, 1965; adopted by the Senate on May 28, 1965.

Approved June 2, 1965.

Filed with the Secretary of State, June 4, 1965.